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031204Z Apr 01

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	VC-00	H-01	TEDE-00	INR-00	LAB-01	L-00	VCE-00
	AC-01	DCP-01	NSAE-00	OMB-01	OPIC-01	PA-00	PM-00
	PRS-00	ACE-00	P-00	SP-00	TRSE-00	USIE-00	PMB-00
	DSCC-00	DRL-02	G-00	NFAT-00	SAS-00	SWCI-00	/008W

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FM AMEMBASSY HARARE
TO SECSTATE WASHDC PRIORITY 8567
INFO NSC WASHDC PRIORITY
SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
AMEMBASSY NAIROBI

C O N F I D E N T I A L SECTION 01 OF 02 HARARE 001209

SIPDIS

NSC FOR SENIOR AFRICA DIRECTOR JENDAYI FRAZER

LONDON FOR CHARLES GURNEY

PARIS FOR BISA WILLIAMS

USAID FOR AAA/AFR VDICKSON-HORTON, AFRISA CPALMA

E.O. 12958: DECL: 04/03/11

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SUBJECT: ZIMBABWE PARLIAMENTARY COMMITTEES DEFY
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GOVERNMENT ON LAND REFORM AND BROADCASTING REGULATIONS

REFTEL: HARARE 932

CLASSIFIED BY CHARGE D'AFFAIRES EARL M. IRVING FOR
REASONS: 1.5 (B) AND (D).

1. (C) SUMMARY: THE ZIMBABWE PARLIAMENT'S RESETTLEMENT COMMITTEE TABLED A REPORT IN FEBRUARY THAT CRITICIZED THE GOVERNMENT'S "FAST-TRACK" LAND RESETTLEMENT EXERCISE AS LACKING THE RESOURCES NEEDED TO BE SUCCESSFUL. THE REPORT ALSO CALLED ON THE GOVERNMENT TO IMPLEMENT THE PROGRAM "IN A TRANSPARENT MANNER IN ACCORDANCE WITH THE LAWS OF THE COUNTRY." ON MARCH 7, PARLIAMENT'S LEGAL COMMITTEE DECLARED ILLEGAL BROADCASTING REGULATIONS PUT IN PLACE LAST YEAR TO SHUT DOWN PRIVATE RADIO BROADCASTS (REFTEL). PARLIAMENT'S ZANU-PF MPS REJECTED THE LEGAL COMMITTEE'S FINDINGS SHORTLY THEREAFTER AND ON MARCH 22, SPEAKER OF PARLIAMENT EMMERSON MNANGAGWA BLOCKED DEBATE ON THE COMMITTEE'S REPORT, PUTTING THE RESTRICTIVE REGULATIONS ON THE FAST-TRACK TO BECOMING LAW. THE DEFIANT ACTIONS OF TWO PARLIAMENTARY COMMITTEES DOMINATED BY ZANU-PF INDICATED THAT THE RULING PARTY IS STILL DIVIDED ON CRUCIAL ISSUES. END SUMMARY.

2. (SBU) THE PARLIAMENT'S PORTFOLIO COMMITTEE ON RESETTLEMENT TABLED A REPORT IN FEBRUARY THAT CRITICIZED THE GOVERNMENT FOR FAILING TO PROVIDE ADEQUATE RESOURCES TO RESETTLED FARMERS. AFTER VISITING FARMS IN THE MASHONALAND PROVINCES, THE COMMITTEE REPORTED THAT A SHORTAGE OF STAFF, TRANSPORT, FUEL, AND INFRASTRUCTURE
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IS HAMPERING THE GOVERNMENT'S "FAST-TRACK" RESETTLEMENT EXERCISE, AND FARM OPERATIONS ON "INFORMALLY SETTLED" FARMS HAD GROUND TO A HALT, ACCORDING TO A COPY OF THE REPORT OBTAINED BY THE EMBASSY. THE REPORT ALSO CALLED UPON THE GOVERNMENT TO IMPLEMENT ITS RESETTLEMENT PROGRAM IN A "TRANSPARENT MANNER IN ACCORDANCE WITH THE LAWS OF THE COUNTRY," AND THAT ALL LAND REQUIRED FOR RESETTLEMENT PURPOSES BE ACQUIRED USING THE "RELEVANT LEGAL INSTRUMENTS." THE COMMITTEE NOTED THAT THE POLICE HAD DONE NOTHING TO RESTORE LAW AND ORDER ON THE OCCUPIED FARMS, SOMETHING THAT IS "CAUSE FOR CONCERN IF THE LAND REFORM PROGRAM IS TO BE SUCCESSFULLY IMPLEMENTED."

3. (U) ON MARCH 7, PARLIAMENT'S LEGAL COMMITTEE DECLARED ILLEGAL BROADCASTING REGULATIONS PUT IN PLACE LAST OCTOBER TO SHUT DOWN PRIVATE RADIO BROADCASTS (REFTEL). USING THE PRESIDENTIAL POWERS (TEMPORARY MEASURES) ACT, PRESIDENT MUGABE ISSUED A STATUTORY INSTRUMENT OUTLINING STRINGENT LICENSING REGULATIONS

THAT MADE IT LEGALLY IMPOSSIBLE FOR PRIVATE RADIO STATIONS TO BROADCAST, EVEN THOUGH THE SUPREME COURT HAD JUST RULED THE GOVERNMENT'S BROADCAST MONOPOLY ILLEGAL. PURPORTEDLY, INFORMATION MINISTER JONATHAN MOYO, WHO DOES NOT HAVE A LEGAL BACKGROUND, HASTILY DREW UP THE REGULATIONS FOR THE PRESIDENT'S ISSUANCE. REGULATIONS ISSUED UNDER THE TEMPORARY MEASURES ACT EXPIRE IN SIX MONTHS UNLESS THEY ARE PASSED INTO LAW BY PARLIAMENT. THE BROADCASTING REGULATIONS WILL EXPIRE BEFORE THE END OF APRIL. THE THREE-MEMBER LEGAL COMMITTEE--COMPRISED OF MDC SECRETARY-GENERAL WELSHMAN NCUBE AND TWO
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DISGRUNTLED ZANU-PF MEMBERS, KUMBIRAI KANGAI AND EDDISON ZVOBGO--WAS EXPECTED TO RUBBER-STAMP THE REGULATIONS. INSTEAD, IT FOUND THEM UNCONSTITUTIONAL.

14. (U) ZANU-PF PARLIAMENTARIANS, INCLUDING JUSTICE MINISTER PATRICK CHINAMASA, REJECTED THE COMMITTEE'S FINDINGS IN AN UNPRECEDENTED MOVE, ACCORDING TO THE 16-22 MARCH EDITION OF THE "ZIMBABWE INDEPENDENT." CHINAMASA ACCUSED THE COMMITTEE OF ALLOWING THE MDC TO WRITE THE REPORT AND DEMANDED AN INVESTIGATION. SPEAKER OF PARLIAMENT MNANGAGWA STATED THAT HE WOULD LOOK INTO THE ALLEGATIONS. ON MARCH 22, MNANGAGWA THREW OUT THE COMMITTEE'S REPORT, STATING THAT HIS INVESTIGATIONS FOUND THE COMMITTEE TO BE IN VIOLATION OF THE CONSTITUTION AND PARLIAMENT'S STANDING ORDERS, AND THAT IT HAD NOT BEEN SUBMITTED ON TIME. THE SPEAKER ORDERED THE REPORT DISCHARGED FROM THE PARLIAMENTARY AGENDA, EFFECTIVELY QUASHING ANY DEBATE ON THE ISSUE. THE REGULATIONS HAVE BEEN WRITTEN INTO THE BROADCASTING BILL, WHICH, ONCE PASSED, WILL MAKE THE STRINGENT LICENSING REQUIREMENTS INTO LAW.

15. (C) COMMENT: THE DEFIANT REPORTS OF TWO ZANU-PF-DOMINATED PARLIAMENTARY COMMITTEES INDICATE THAT ZANU-PF

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REMAINS DIVIDED ON MANY CRUCIAL ISSUES OF THE DAY. THEIR FINDINGS, WHICH CLEARLY WENT AGAINST THE RULING PARTY'S PLANS ON LAND REFORM AND LIMITING PRESS FREEDOM, DEMONSTRATE THAT NOT ALL ZANU-PF PARLIAMENTARIANS BELIEVE IN THEIR LEADERS' FLAWED, POLITICALLY EXPEDIENT STRATEGIES. EVEN THOUGH THEIR ACTIONS AMOUNTED TO NO MORE THAN SYMBOLIC RESISTANCE, IT IS SIGNIFICANT THAT ALTERNATIVE VOICES--ALTHOUGH RARE--CONTINUE TO BE HEARD IN GOVERNMENT. END COMMENT.

IRVING

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